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EXAMINER

MILLER, BRANDON J

ART UNIT PAPER NUMBER

2683

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,046

Applicant(s)

MIZELL ET AL.

Examiner

Brandon J Miller

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 April 2004.
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 - * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) Interview Summary (PTO-413) Paper No(s) 13.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

Art Unit: 2683

DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Geiger.

Regarding claim 1 Collins teaches a mobile terminal comprising: a processor; a memory; transceiver circuitry (see col. 4, lines 44-50). Collins teaches forwarding an SMS message to one of a legacy SMS message processing block or an IP protocol SMS message-processing block (see col. 5, lines 29-31 & 40-45). Collins teaches removing IP address information to construct an SMS message (see col. 6, lines 50-58). Collins does not specifically teach an internal bus, receiving an SMS message in one of a legacy format or an IP data packet format, or a memory that includes computer instructions that define operational logic of the mobile terminal to enable the mobile terminal to remove IP packet header information of a plurality of data packets. Geiger teaches receiving a message in one of a legacy format or an IP data packet format (see col. 2, lines 32-38, col. 3, lines 14-18 & 42-47, col. 4, lines 40-45, and col. 5, lines 7-17). Geiger

Art Unit: 2683

teaches removing IP packet header information of a plurality of data packets and constructing a message (see col.3, lines 3-24 & 42-48). Geiger teaches a memory that includes computer instructions that define operational logic of a mobile platform (see col. 2, lines 32-37 and col. 4, lines 59-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include an internal bus, receiving an SMS message in one of a legacy format or an IP data packet format, and a memory that includes computer instructions that define operational logic of the mobile terminal to enable the mobile terminal to remove IP packet header information of a plurality of data packets because this would allow for a flexible mechanism that allows for a combination of network routing.

Regarding claim 2 Collins teaches instructions that define operational logic to enable a mobile terminal to process a constructed SMS message (see col. 4, lines 44-48).

Regarding claim 6 Collins teaches a mobile terminal comprising: transceiver circuitry for receiving communication signals over a wireless communication link (see col. 4, lines 44-50). Collins teaches processing transmitted SMS messages, with processing circuitry coupled to receive data from transceiver circuitry (see col. 5, lines 29-33 & 37-39). Collins does not specifically teach receiving an SMS message in one of a legacy format or an IP data packet format, forwarding an SMS message to one of a legacy SMS message processing block or an IP protocol SMS message-processing block, or reconstructing SMS messages transmitted in a data packet format. Geiger teaches receiving a message in one of a legacy format or an IP data packet format and forwarding a message to one of a legacy message processing block or an IP protocol message-processing block (see col. 2, lines 32-38, col. 3, lines 14-18 & 42-52, col. 4, lines 45-50, and col. 5, lines 7-17). Geiger teaches reconstructing messages transmitted in a data packet

Art Unit: 2683

format (see col.3, lines 3-24 & 42-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include receiving an SMS message in one of a legacy format or an IP data packet format, forwarding an SMS message to one of a legacy SMS message processing block or an IP protocol SMS message-processing block, and reconstructing SMS messages transmitted in a data packet format because this would allow for a flexible mechanism that allows for a combination of network routing.

Claims 3-5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Geiger, and Chern.

Regarding claim 3 Collins and Geiger teach a device as recited in claim 1 except for an audio processing circuit for generating audio to be played over a speaker, which audio signals were received as a digital signal by a mobile terminal. Chern teaches an audio processing circuitry for generating audio to be played over a speaker, which audio signals were received as a digital signal by a mobile terminal (see col. 4, lines 29-35, col. 14, lines 50-57 and FIG. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include an audio processing circuit for generating audio to be played over a speaker, which audio signals were received as a digital signal by a mobile terminal because this would allow for an improved method of generating an SMS alert message.

Regarding claim 4 Chern teaches a speaker coupled to receive an analog signal from audio processing circuitry wherein the speaker creates audio for human perception (see col. 4, lines 29-35, col. 14, lines 50-57 and FIG. 5).

Art Unit: 2683

Regarding claim 5 Chern teaches a microphone for converting sound into electrical signals, which electrical signals are transmitted to an audio processor (see col. 4, lines 29-35, col. 14, lines 50-57, and FIG. 5).

Regarding claim 8 Collins and Geiger teach a device as recited in claim 6 except for audio processing circuitry coupled to receive communication signals from transceiver circuitry. Chern teaches audio processing circuitry coupled to receive communication signals from transceiver circuitry (see col. 4, lines 29-35, col. 14, lines 50-57 and FIG. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include audio processing circuitry coupled to receive communication signals from transceiver circuitry because this would allow for a wireless device capable of receiving an audio SMS alert message.

Regarding claim 9 Chern teaches a speaker coupled to the audio processing circuitry for producing sound (see col. 4, lines 29-35, col. 14, lines 50-57 and FIG. 5).

Regarding claim 10 Chern teaches a microphone for receiving sound waves and for converting the received sound waves into electrical signals that are to be produced to the audio processor for processing (see col. 4, lines 29-35, col. 14, lines 50-67 and FIG. 5).

Claims 7 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Geiger, and Josse.

Regarding claim 7 Collins and Geiger teach a device as recited in claim 6 except for legacy SMS message processing wherein the mobile terminal is coupled to receive SMS messages in both IP data packet and in legacy SMS message formats within a tunneling protocol. Geiger does teach legacy data processing that is coupled to receive data in both IP data packet

Art Unit: 2683

and in legacy message formats (see col. 2, lines 32-38, col. 3, lines 14-18 & 42-47, col. 4, lines 40-45, and col. 5, lines 7-17). Josse teaches routing message within a tunneling protocol (see col. 7, lines 49-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include legacy SMS message processing wherein the mobile terminal is coupled to receive SMS messages in both IP data packet and in legacy SMS message formats within a tunneling protocol because this would allow for a flexible routing mechanism that allows for a combination of network routing.

Regarding claim 11 Collins teaches a mobile terminal for receiving and processing an SMS message (see col. 4, lines (44-48)). Collins teaches receiving a plurality of IP data portions representing an SMS message, determining that the plurality of data portions represent an SMS message, and retrieving address information (see col. 10, lines 50-64). Collins does not specifically teach a GPRS capable mobile terminal, removing IP packet header information, or reforming an SMS message with SMS packet headers. Geiger teaches removing IP packet header information and reforming a message with packet headers (see col. 3, lines 14-24 & 42-49). Josse teaches a GPRS capable mobile terminal (see col. 5, lines 7-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a GPRS capable mobile terminal, removing IP packet header information, and reforming an SMS message with SMS packet headers because this would allow for a flexible routing mechanism that allow for a combination of network routing.

Regarding claim 12 Collins, Geiger, and Josse teach a device as recited in claim 11 except for receiving an SMS message in a legacy format and then processing the SMS message by the SMS processing circuitry within the mobile terminal. Collins does teach processing an

Art Unit: 2683

SMS message within a mobile terminal (see col. 4, lines 44-48). Geiger does teach processing a message in a legacy network (see col. 2, lines 32-36, col. 4, lines 40-45, and col. 5, lines 7-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving an SMS message in a legacy format and then processing the SMS message by the SMS processing circuitry within the mobile terminal because this would allow for a flexible routing mechanism that allows for a combination of network routing.

Regarding claim 13 Collins teaches transmitting an SMS message from a mobile terminal to a base station (see col. 4, lines 43-50).

Regarding claim 14 Collins teaches converting an outgoing SMS message into IP data (see col. 5, lines 40-45). Collins teaches a plurality of data packets (see col. 10, lines 50-55).

Regarding claim 15 Collins teaches inserting an IP address of a message center in a data portion (see col. 10, lines 53-57). Sladek teaches inserting an address within a header of each data packet (see col. 12, lines 35-40).

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sim European Patent Application EP 1 039 768 A2 discloses a data transmitting and receiving apparatus and method for a digital mobile station.

Art Unit: 2683

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 13, 2004


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